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June 30, 2023

**VIA ECF**

Honorable Cheryl L. Pollak  
United States Chief Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Carlton Roman v. City of New York, et al.  
22-cv-6681 (NGG) (CLP)

Your Honor:

Pursuant to Your Honor's Order at the June 26, 2023 status conference in the above-referenced case, Defendants respectfully submit a status report as to the scheduling of the depositions of DA Katz, Lt. Torres and Mr. Quinn. For the reasons set forth below, it is respectfully requested that the proposed dates for the identified witnesses' depositions be endorsed by the Court.

As Your Honor is aware, at the June 26, 2023 status conference, counsel for the parties were directed to meet and confer regarding deposition dates for DA Katz, Lt. Torres, and Mr. Quinn and submit a joint status letter regarding same by today, June 30, 2023. Earlier today, however, plaintiff's counsel, James Henning, submitted a letter only on Plaintiff's behalf in essence stating that Defendants have failed to meet and confer regarding this deadline. Although Mr. Henning did contact me this week so that we could discuss deposition dates, because we were attempting to coordinate schedules of witnesses and their counsel among other things, I informed Plaintiff's counsel that we would be prepared to provide the responsive information so that a joint status letter could be filed by today's deadline.

To that end, on June 29, 2023, I provided Plaintiff's counsel my availability, however, at that time, the availability of the witnesses and their counsel had not yet been confirmed. Accordingly, counsel from the District Attorney's Office, Anastasia Spanakos, was included on the correspondence to Plaintiff's counsel and it was further confirmed that the witnesses' availability would be provided by today's deadline. Furthermore, the undersigned offered to Plaintiff's counsel, on multiple occasions, to draft the joint letter once all of the information was

available. These responses, however, were apparently unsatisfactory to Plaintiff's counsel as he submitted his own letter earlier today.

Accordingly, the availability for all involved parties was provided to Plaintiff's counsel earlier today shortly after he submitted his letter to the Court. While the undersigned informed Plaintiff's counsel on June 29, 2023 that she would not be available for depositions until August 15, 2023, the witnesses themselves are not available until August 22, 2023<sup>1</sup>. Thereafter, I attempted to confer with Plaintiff's counsel and provide a proposed deposition schedule given all of the relevant information. I have not, however, received a substantive response from Plaintiff's counsel regarding whether he is available for the proposed dates. I learned later today, however, that Plaintiff intends to move to compel the depositions to go forward in July 2023, despite the fact that the witnesses themselves are not available until August 22, 2023 and regardless of any other scheduling conflicts.

Based on the above, Defendants respectfully propose the following dates for depositions:

DA Katz: August 23, 2023  
Lt. Torres: September 8, 2023  
Mr. Quinn: September 13, 2023

To the extent Plaintiff seeks to move to compel the depositions to go forward in July 2023, as an initial matter, the witnesses and the District Attorney's Office have indicated that they are not available in July, to commence depositions. Additionally, the undersigned is similarly not available until mid-August due to depositions scheduled in other cases, including one in this case, deadlines in other cases, and previously scheduled time out of the office/vacation, including the entirety of next week and the first two weeks of August.

Moreover, as Your Honor is aware, the settlement conference in this case is scheduled for July 18, 2023 and the parties are in the midst of briefing a motion to dismiss in this case. Currently, Plaintiff's opposition is due July 3, 2023 and Defendants' reply is due July 17, 2023. For all these reasons, as well as building in sufficient time to prepare for these depositions, the undersigned proposed the deposition schedule, as set forth above, to Plaintiff's counsel. As noted herein, Plaintiff's counsel only provided his availability for July.

The undersigned assures the court that Defendants do not intend to delay this case any further and are working as diligently and expeditiously as possible; however, given the witnesses' availability and the other cited concerns, Defendants respectfully request that the Court endorse the dates proposed herein.

Defendants thank the Court for its time and consideration herein.

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<sup>1</sup> The undersigned is available beginning August 15, 2023, with the exception of September 12, September 14, and September 15; and the witnesses and their counsel/the QCDA are available August 22, 2023 through August 25, 2023, and then again after September 6, 2023. Plaintiff's counsel only provided dates in July when he is available.

Respectfully submitted,

/s/ Seema Kassab

Seema Kassab

*Assistant Corporation Counsel*

Special Federal Litigation Division

cc: Via ECF  
All counsel of record